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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,844	07/11/2003	Fred F. Schleifer	ELSE-0819	7986

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EXAMINER

KOBERT, RUSSELL MARC

ART UNIT	PAPER NUMBER
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2829

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/617,844	<b>Applicant(s)</b> SCHLEIFER ET AL.	
	<b>Examiner</b> Russell M. Kobert	<b>Art Unit</b> 2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2005 and 17 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-33 is/are pending in the application.
- 4a) Of the above claim(s) 21-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7 and 9 is/are rejected.
- 7) ☒ Claim(s) 8 and 10-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>0505</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. Applicant's arguments filed May 17, 2005 have been fully considered but they are not persuasive. Applicants' arguments stress the following issues:

- (a) The prior art reference, Kraleý et al (4055803), fails to disclose that it can be connected to a wide dynamic range of standard service voltages as discussed throughout the specification; the most common of these being 120, 208, 240, 277 and 480 volts RMS (Specification - page 1, lines 19-21) or in the range from 96 to 528 volts RMS (Specification - page 2, lines 20-22)
- (b) Ability to operate over a wide dynamic range creates a significant cost savings
- (c) There is no teaching in Kraleý et al to support the notion that the output voltage is predetermined independent of the input voltage
- (d) Kraleý et al does not teach a predetermined voltage, but instead teaches multiple voltage (e.g., +13 Volts, +6.2 Volts, -6.2 Volts or -13 Volts)

With regard to argument (a), one having ordinary skill in the art would have known that the apparatus according to Kraleý et al is capable of being connected to a "wide range of standard service voltages" because the prior art design of the electrical meter, shown in Figure 2 of Kraleý et al, contains a power transformer 7' and full wave rectifier 53 along with a combination of resistors (56, 57 60 and 61) in combination with zener diodes (58, 59, 63 and 64) to yield discrete voltages (+13 volts, +6.2, volts, -6.2 volts and -13 volts) **regardless** (emphasis added) of what input voltage is applied since any change in input voltage is compensated across these resistors without effect to the voltage outputs.

With regard to argument (b), providing an improvement yielding a cost savings does not add patentable weight to the invention as claimed; any prior art apparatus that reads on the physical and material aspects of the claimed invention is considered applicable under 35 USC 102 or 35 USC 103 regardless of cost.

With regard to argument (c), the response to argument (a) showing at least four (4) discrete voltages (+13 Volts, +6.2 Volts, -6.2 Volts or -13 Volts) are predetermined voltages because the use of zener diodes is a predetermined application requiring selection of specific zener voltage values prior to assembly of the final product.

With regard to argument (d), nowhere in the claimed invention is there a requirement for one (1) and only one predetermined voltage; the claim recites in the relevant portion that "the output is regulated to provide a predetermined output voltage independent of the input voltage" wherein "a predetermined output voltage" is interpreted to mean at least one output voltage.

2. The response to arguments with respect to rejection of the claimed invention under 35 USC 102(b) in the prior Office Action mailed on 30 March 2005 are unchanged and continue to be applicable because Applicants' further arguments in the Response filed 17 May 2005 were not convincing for those reasons noted supra.

3. Applicants are reminded that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the

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prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

The following is a recitation of MPEP 2111.04 that states that claim scope is not limited by claim language that does not limit a claim to a particular structure (note "structure"):

MPEP 2111.04 [R-3] "Adapted to," "Adapted for," "Wherein," and "Whereby" Clauses

Claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. However, examples of claim language, although not exhaustive, that may raise a question as to the limiting effect of the language in a claim are:

- (A) "adapted to " or "adapted for " clauses;
- (B) "wherein " clauses; and
- (C) "whereby " clauses.

4. In order to emphasize claim language not considered furthering limiting the claimed invention, such limitations have been *italicized* in this Office Action.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kraleý et al (4055803).

Kraleý et al anticipates (Figure 2) an electric energy meter (col 1, ln 37-41) *for measuring electrical energy usage over a wide dynamic range of standard service*

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*voltages, wherein the electrical energy meter is used by an electric utility for customer billing purposes, and wherein the electrical energy meter can be connected to a polyphase electrical service (col 10, ln 53-64) to measure electrical energy on more than one phase at a time, the meter having a power supply comprising: a transformer (7') having first (left side) and second (52) windings, the power supply being capable of receiving any input voltage within the wide dynamic range of standard service voltages, which input voltage is provided to the first winding so that current flows through the first winding, wherein the second winding defines an output of the power supply, wherein the output is regulated (circuit electrically connected to 52; col 6, ln 16-28) to provide a predetermined output voltage (any one of +13 Volts, +6.2 Volts, -6.2 Volts or -13 Volts) independent of the input voltage, and wherein the wide range of service voltages include RMS voltages between about 96 Vrms and about 528 Vrms; as recited in claim 7.*

As to claim 9, having a charge means (58 or 59) connected to the second winding *for storing an electrical charge when current is flowing through the first winding and for discharging stored electrical charge when current flowing through the first winding is interrupted* is anticipated by Kraley et al.

7. Claims 8 and 10-20 continue to be objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims for the reasons of record.

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8. The terminal disclaimer filed on 30 August 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 5,621,629 has been reviewed and is accepted. The terminal disclaimer has been recorded.

9. Applicants are reminded that all references to Court Proceedings will not be published and as such those references have been crossed out however any reference to Court Proceedings, that has been considered, has been initialed

10. In the IDS filed 17 May 2005, references corresponding to IDS reference numbers 165, 167 and 192 have not been found and Sheets 18, 20 and 21 are missing.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

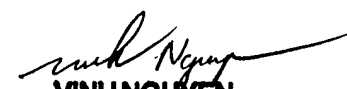
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kobert whose telephone number is (571) 272-1963. The Examiner's Supervisor, Ha Tran Nguyen, can be contacted at (571) 272-1678. For an automated menu of Tech Center 2800 phone numbers call (571) 272-2800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Russell M. Kobert  
Patent Examiner  
Group Art Unit 2829  
May 31, 2006



**VINH NGUYEN**  
**PRIMARY EXAMINER**

A.U. 2829

06/02/06